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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of :
FARDEAU, Jean-Francois :
Application No.: 09/914,729 :
PCT Application No.: PCT/FR00/00889 :
International Filing Date: 07 April 2000 :
Priority Date: 08 April 1999 :
Attorney Docket No.: GER-0278 :
For: DEVICE FOR MEASURING THE :
DIMENSION AND CONTROLLING OF :
DEFECTS IN OPTICAL FIBRES DURING :
PRODUCTION :

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

Applicant's "Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 31 August 2001 is **GRANTED**.

BACKGROUND

On 07 April 2000, applicant filed an international application, No.PCT/FR00/00889, which claimed a priority date of 08 April 1999. A copy of the application was transmitted by the International Bureau (IB) on 19 October 2000.

The deadline for entering the national stage was thus twenty months from the priority date, 08 December 2000. The application went abandoned when applicant failed to make the necessary filing.

On 31 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition to revive the international application; the requisite petition fee; and the requisite basic national fee as required by 35 U.S.C. §371(c)(1).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the

due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant states "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee, petition fee and international application have been submitted. A terminal disclaimer is not required as the application was filed on 07 April 2000. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

CONCLUSION

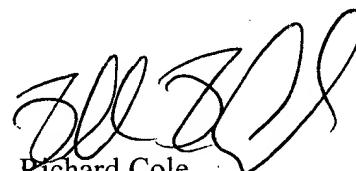
The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing including issuance of the Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the oath or declaration and the surcharge for filing the oath or declaration after twenty months are required.



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